



January 25, 2002

SENATE BILL No. 404

DIGEST OF SB 404 (Updated January 22, 2002 12:51 PM - DI 71)

Citations Affected: IC 16-39; IC 16-41; IC 36-2.

Synopsis: Medical records for coroners. Allows a coroner who is conducting a medical examination or autopsy to obtain the decedent's medical records.

Effective: July 1, 2002.

Wyss, Smith S

January 10, 2002, read first time and referred to Committee on Public Policy.
January 24, 2002, reported favorably — Do Pass.

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SB 404—LS 6973/DI 77+



January 25, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 404

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-39-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Health records
3 may be requested by a competent patient if the patient is:

- 4 (1) emancipated and less than eighteen (18) years of age; or
5 (2) at least eighteen (18) years of age.

6 (b) If a patient is incompetent, the request for health records may be
7 made by the parent, guardian, or custodian of the patient.

8 (c) Health records of a deceased patient may be requested by a
9 **coroner under IC 36-2-14-21 or by** the personal representative of the
10 patient's estate. If the deceased does not have a personal representative,
11 the spouse of the deceased patient may make a request. If there is no
12 spouse:

- 13 (1) a child of the deceased patient; or
14 (2) the parent, guardian, or custodian of the child if the child is
15 incompetent;
16 may make a request.

17 SECTION 2. IC 16-41-8-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) Except as provided in subsections (d) and (e), a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, IC 35-38-1-7.1, and IC 35-42-1-7, or to protect the health or life of a named party.

(b) Except as provided in subsection (a), a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(c) In addition to subsection (b), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(d) Release shall be made of the medical records concerning an individual to:

(1) the individual; ~~or to~~

(2) a person authorized in writing by the individual to receive the medical records; **or**

(3) **a coroner under IC 36-2-14-21.**

(e) An individual may voluntarily disclose information about the individual's communicable disease.

(f) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 3. IC 36-2-14-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 21. (a) As used in this section, "health records" means written, electronic, or printed information possessed by a provider concerning any diagnosis, treatment, or prognosis of the patient.**

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1 The term includes mental health records, alcohol and drug abuse
2 records, and emergency ambulance service records.

3 (b) As used in this section, "provider" has the meaning set forth
4 in IC 16-18-2-295(a).

5 (c) As part of a medical examination or autopsy conducted
6 under this chapter, a coroner may obtain a copy of the decedent's
7 health records.

8 (d) Except as provided in subsection (e), health records obtained
9 under this section are confidential.

10 (e) The coroner may provide the health records of a decedent
11 that were obtained under this section to a prosecuting attorney or
12 law enforcement agency that is investigating the individual's death.
13 Health records received from a coroner under this subsection are
14 confidential.

15 (f) A person who receives confidential records or information
16 under this section and knowingly or intentionally discloses the
17 records or information to an unauthorized person commits a Class
18 A misdemeanor.

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SENATE MOTION

Mr. President: I move that Senator Smith S be added as second author of Senate Bill 404.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 404, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 404 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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